

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204**

MINUTES OF APRIL 26, 2007

William Beeson, M.D., Vice President called the meeting to order at 8:40 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Worthe Holt, Jr., M.D., President
 (arrived at 9:05a.m.)
 N. Stacy Lankford, M.D.,
 Navin Barot, M.D., Secretary
 Thomas Akre, D.O.
 Stephen Huddleston, J.D., Consumer Member
 Bharat Barai, M.D.
 (arrived at 8:50a.m.)
 William Beeson, M.D., Vice President

Staff Present: Michael Rinebold, Board Director
 Professional Licensing Agency
 Jody Edens, Assistant Board Director
 Professional Licensing Agency
 James Schmitt, Deputy Attorney General
 Office of the Attorney General
 Gordon White, Deputy Attorney General
 Office of the Attorney General

The Board voted to adopt the agenda and addendum as amended.

Lankford/Barot, 4/0/0

The Board voted to adopt the minutes of the March 22, 2007 meeting.

Lankford/Barot, 4/0/0

PERSONAL APPEARANCES

INITIAL APPLICANTS

The following appeared before the full Board for their scheduled personal appearance.

David Bursch, M.D. – Dr. Bursch appeared before the Board concerning a positive response on his residency permit application and was not represented by counsel. Dr. Bursch's Father appeared on his behalf. While in college Dr. Bursch was arrested and placed on probation for a period of five (5) years due to drinking and drugs. He completed 1300 hours of community service and was ordered by the Judge to complete college. He received a working permit from the Texas Board following a personal appearance with them. He had to submit addictionology report and a letter from the Addictionologist stating he would follow Dr. Bursch's addiction problem for one year. He has not had any other arrests. After discussion the Board moved to APPROVE Dr. Bursch for issuance.

Beeson/Barai, 7/0/0

Edward Daniel Nusbaum, M.D. – Dr. Nusbaum appeared before the Board regarding his re-application for licensure and was not represented by counsel. Dr. Nusbaum let his license expire from more than three years therefore he had to re-apply for licensure. Dr. Nusbaum although retired here in the U.S., had been working in Neurology while vacationing/living in the Fiji Islands. He last saw a patient in the Fiji Islands in September 2005. He has done 40 hours of CME's in the last year; is Board Certified in Neurology and has an active license in Utah. After discussion the Board moved to APPROVE Dr. Nusbaum for licensure.

James Otto Johnson, M.D. – Dr. Johnson appeared before the Board regarding his education listed on his application for licensure and was not represented by counsel. Dr. Johnson graduated from Saba Medical School. He completed all of his rotations in the U.S. and been accepted for a fellowship position at St. Vincent's Hospital. He has completed his general surgery and family practice residency for the past seven (7) years. Saba is on Indiana's questionable Foreign Medical School list. The Board moved to TABLE this matter for further information concerning the Fellowship.

The Board tabled the matter to allow Dr. Johnson to obtain information on whether the fellowship program he was hoping to enter was affiliated with IUSOM. If this is the case then the Board will consider a potential waiver for the fellowship program.

ADMINISTRATIVE HEARINGS

The following hearing was continued:

Terri Lynn Savage, M.D., License No. 01059566A, Cause No. 2006 MLB 0039

Kevin Burns, M.D., License No. 01043507A, Cause No. 2006 MLB 0035

Respondent did appear in person and was represented by Randall Fearnow, J.D., Kelly Green, R.N., J.D. and Travis Friend, J.D. regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General. Ms. Keifner was assisted by Linda Lay, R.N., Medical Complaint Analyst with the Office of the Attorney General and the court reporter sworn in for this matter was Felicia Warren with Andy Rutledge Reporting.

Richard George; Kimberly Schramm, R.N., George Restrepo, D.O., Detective Lamar Helmuth were all sworn in as witnesses for the State.

Lieutenant Ronald Rayl and Pamela Burns, R.N. were sworn in as witnesses for the Respondent.

Richard George testified that he received a call late Sunday night about the incident. He called Dr. Burns to discuss the matter and stated that Dr. Burns was shocked about what Mr. George was telling him. Mr. George testified that Dr. Burns had previously given him a shot in the throat for his snoring problems. He stated that he didn't think Dr. Burns took any notes and couldn't remember if he inquired about allergies to any medications. Mr. George stated he did not pay for the services. Mr. George also stated that Dr. Burns stitched up a friend's head at the lake after he had an accident while skiing.

Kimberly Schramm, R.N. testified that she works at St. Joseph Regional Hospital in Plymouth. She treated Katherine Burns in the Emergency Room after the alleged incident took place. She stated that she heard Ms. Burns give the statement four (4) different times and her statement was consistent each time. Ms. Schramm contacted the Police as it is standard practice for an allegation of assault. Ms. Schramm testified that she did not do a pelvic exam for bruising or penetration as the E.R. Physician did not order it.

George Restrepo, D.O., testified that he is Board certified in Family Practice and E.R. Medicine. He is employed at St. Joseph Regional Center Hospital. He was the Physician that treated Katherine George. He stated that Ms. George relayed her story to him and was consistent and did not have any delays while relating

the story to the Doctor. Pictures were taken of the skin on the areas where the shots were given. Dr. Restrepo stated he did not order a rape kit because Ms. George was convinced that no penetration occurred and she was adamant about this to the Doctor. He did a drug screen to see what was in Ms. George's system as she didn't know what Dr. Burns had given her. He stated that codeine did not show up on the screen, but versed did. Dr. Restrepo stated that when he uses versed he does a total physical examination prior to use and has a crash cart available and places an IV in the patient in case of an emergency. He also stated that when using versed an RN must stay in the room as well and the Physician until the procedure is complete. Dr. Restrepo stated that a patient on versed should have a heart monitor connected and be on oxygen and that you should never use versed as a casual sleep aide. The side effects of using versed are heart and respiratory failure. It can also cause vomiting and sometimes you can't walk as your balance is off. It can also cause memory loss; some patients don't remember the procedure at all that was performed while they were on versed.

Detective Lamar Helmuth testified that he has been employed with the Indiana State Police for twelve (12) years. He was the investigator for the alleged sexual battery incident involving Katherine George. Det. Helmut testified that he gave Katherine George a pre-interview to introduce him self to her and explain what was going to happen. Then he a taped interview with Ms. George. He compared both stories for consistency. He stated that both stories matched. He stated that Ms. George couldn't remember some parts of the time Dr. Burns was examining her. He then submitted the tape into evidence and contact Dr. Burns for an interview. Several days later Dr. Burns attorney, Mr. Friend, contacted him and they set up an interview time. During his interview with Dr. Burns, he stated the events of that weekend regarding the shots and treatment of Ms. George. He felt Dr. Burns contradicted himself when at first he stated she was wide awake and then later said he had to roll her over and pull her pants down enough to give her the shot. He stated that per the prosecutor in that county no charges would be filed, therefore no polygraph was performed on Ms. George or Dr. Burns. He stated that Dr. Burns voluntarily took a polygraph test at the Allen County jail. Det. Helmuth did review the test results. Since criminal charges were not filed the Police closed this case.

After Detective Helmuth's testimony the Board moved to break for lunch at 12:50 p.m. After conducting additional business on the Boards agenda they reconvened the Burns hearing at 3:40p.m.

Lieutenant Ronald Rayl is with the Allen County Sheriffs department. He ran the sex crime unit for sixteen years and he has a side business of doing polygraphs. Mr. Rayl gave Dr. Burns a polygraph and after analyzing the charts he indicated that Dr. Burns answered his polygraph truthfully.

Pamela Burns, R.N. wife of the Respondent testified that Dr. Burns had given care to Katherine George at her request using her own left over medication. She testified that she wasn't aware of the allegations until Monday as she and her daughter had already left the lake house when the supposed incident happened.

After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE PROBATION for a period of 2 years with terms and conditions and the State proved counts 1 and 2 only. Holt/Akre 1/6/0, with Dr's Lankford, Akre, Barot, Beeson, Barai and Mr. Huddleston objecting. This vote failed.

After further discussion the Board agreed to vote on each count separately before coming to a decision on the penalty.

After discussing Count 1 the Board moved to find the Respondent guilty of the count 1 violation.

6/1/0, with Dr. Barot objecting

After discussing Count 2 the Board moved to find the Respondent guilty of the count 2 violation.

6/1/0, with Dr. Barot objecting

After discussing Count 3 the Board moved to find the Respondent not-guilty of the count 3 violation.

5/0/2, with Dr.'s Lankford and Beeson abstaining

The Board then discussed the penalty phase of this hearing. After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE SUSPENSION for a period of six (6) months, with three(3) of the six (6) months stayed with the following terms:

- CPEP evaluation
- 5 CME hours in boundaries
- 5 CME hours in pharmacological utilization of hypnotic sedatives
- 5 CME hours in record keeping
- Costs up to \$1,050.00

Lankford/Holt, 4/3/0, with Dr.'s Akre, Barot and Barai objecting
Motion carries

Mark Ray Albrecht, M.D., License No. 01042753, Cause No. 2007 MLB 0001

Respondent did appear in person and was not represented by counsel regarding a Petition for Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Mark Mader, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren with Andy Rutledge Reporting.

Dr. Albrecht testified that he has no objection to the extension of the summary suspension although he does not consider himself an immediate danger to the public. He does feel he needs help and has contacted Candace Backer at ISMA for assistance. He stated that his life is very unstable at this time.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to RENEW the SUMMARY SUSPENSION for a period of ninety (90) days.

Huddleston/Barai, 6/1/0

Jan Edward Peterson, II, M.D., License No. 01044172A, Cause No. 2003 MLB 0053

Respondent did appear in person and was not represented by counsel regarding a Petition to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren with Andy Rutledge Reporting.

Dr. Fred Frick was sworn in as a witness for the Respondent.

Dr. Peterson informed the Board that in October 2003 while on-call he was arrested for public intoxication. He spent seven (7) weeks at Rush. In March 2004 he entered into a contract with ISMA. His license was then placed on probation for three (3) years. He has been employed since 2005 and has met all the probation terms set by the Board.

Dr. Frick stated that Dr. Peterson is fully compliant in all aspects of his ISMA contract. He joined ISMA of his own free will and he endorses the petition for withdrawal of the probation. He stated that Dr. Peterson's contract with ISMA is not up until 2009.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE the WITHDRAWAL of PROBATION.

Lankford/Huddleston, 7/0/0

REVIEW OF INITIAL APPLICATIONS

The Board reviewed the positive response information on the following applicants and approved them for issuance:

Dale Absher, M.D.	Azia Ahmed, M.D.	Eugene Anandappa, M.D.
Sarah Crawford, M.D.	Damian Dolan, M.D.	Thomas Eades, M.D.
Mohammed Elawady, M.D.	Barry Haney, M.D.	Tarek Johargy, M.D.
Jeffery Wesche, M.D.	Mark Kehres, M.D.	Jon Kostelic, M.D.
Stella Koretsky, M.D.	Paul Rogers, M.D.	Charles Stemple, M.D.
Vincent Syers, M.D.	Hugh Tobin, M.D.	Jennifer Weaver, M.D.

The Board reviewed the positive response information on the following applicants and requested that they personally appear before the Board:

Jerrold Black, M.D.	Islam Bolad, M.D.
Stephen Oppenheimer, M.D.	Jeffrey Pruitt, M.D.
Hakan Tunca, M.D.	

DISCUSSION

Nomination – The Board moved to nominate William Beeson, M.D. for the Board of Directors to the Federation of State Medical Boards. They all agreed to sign the letter that was prepared.

CONSENSUS

Reports from Michael Rinebold, Board Director – Mr. Rinebold informed the Board that he met with representatives from the Department of Insurance concerning the reimbursement of a physician with a license on Probation. The also discussed the medical malpractice panels.

Mr. Rinebold also informed the Board that the Governor signed house bill 1241 which allows Physician Assistants the right to prescribe. The Medical Board will now have to approve all PA job descriptions involving prescriptive authority.

The bill was also signed that allows Pharmacists to administer immunizations to adults over eighteen (18) years of age and children ages fourteen to eighteen (14-18) with their Parent's approval.

Mr. Rinebold also discussed the new pocket cards that will be mailed out to Physician's during this license renewal period. They will now be issued a permanent pocket card that has an expiration date of 06/30/every odd year. Facilities will be responsible for verifying the license online at our website.

Glenn Ballengee, M.D. – Dr. Holt reviewed Dr. Ballengee's job description with Dr. Tiwari and gave his approval recommendation to the Board. The Board moved to approve ACCEPT Dr. Holt's recommendation.

CONSENSUS

There being no further business the meeting adjourned at 10:10 p.m.

Worthe Holt, JR., M.D. President

Navin Barot, M.D., Secretary